

Remarks/Arguments

The present amendment is made in response to the Office Action dated October 3, 2003 and identified as Paper No. 9. Claim 1-30 remain pending in the application.

In the Action, the Examiner rejected claims 1-3 and 12-14 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,394,735 to Hollinrake et al. ("*Hollinrake*"). Claims 1, 2, 12, and 13 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,690,466 to Gaddis et al. ("*Gaddis*"). Claims 4, 6, 15, and 17 were rejected under 35 U.S.C. § 103(a) as obvious over either *Hollinrake* or *Gaddis* in view of U.S. Patent No. 4,273,381 to Bibeau et al. ("*Bibeau*"). Claims 5 and 16 were rejected under 35 U.S.C. § 103(a) as obvious over either *Hollinrake* or *Gaddis* in view of U.S. Patent No. 6,200,082 to Molenaar et al. ("*Molenaar*"). Claims 7-11 and 18-30 were rejected under 35 U.S.C. § 103(a) as obvious over *Gaddis* in view of *Hollinrake*.

With regard to the rejection of claims 1-3 and 12-14 as anticipated by *Hollinrake*, independent claims 1 and 12 now recite that the floor section extends in a substantially horizontal plane. *Hollinrake* instead discloses a dump truck comprising a dump body having side walls that slope continuously to a conveyor positioned longitudinally along the dump body. By contrast, the claimed invention requires that at least a portion of the floor of the dump body have a horizontal component. *Hollinrake* thus does not disclose each and every limitation of claims 1-3 and 12-14 as presently recited in the application.

With regard to the rejection of claims 1, 2, 12, and 13 as anticipated by *Gaddis*, the reference also fails to disclose a floor section extending in a substantially horizontal plane as now required by claim 1 and 12. Accordingly, *Gaddis* does not disclose each and every limitation of the claims as required for a rejection under 35 U.S.C. § 102.

With regard to the rejection of claims 4, 6, 15, and 17 as obvious over either *Hollinrake* or *Gaddis* in view of *Bibeau*, *Hollinrake* and *Gaddis* disclose a *sloped* floor section that extends *directly to the edge of the conveyor*. Although *Bibeau* discloses a horizontal floor section, the reference does not include the claimed conveyor. One of ordinary skill in the art would not be motivated to combine the flat floor of *Bibeau* with the conveyor bodies of *Hollinrake* or *Gaddis*, however, because those references teach that the lower portion of a dump truck side wall must slope to the edge of the conveyor. See *Hollinrake*, col. 8, ll. 67 – col. 9, ll. 6 (“When such planar portions are used in the side walls, at least the lower portions are advantageously inclined from the horizontal so as to provide some assistance in directing the material downward toward the endless conveyor”); *Gaddis* (only discloses a V-shaped body for channeling material to the central screw).

With regard to the rejection of claims 5 and 16 as obvious over either *Hollinrake* or *Gaddis* in view of *Molenaar*, the claim limitation calling for a floor section extending in a substantially horizontal plane is not disclosed by any of the references, as otherwise required for a rejection under 35 U.S.C. § 103(a). Indeed, *Molenaar* also teaches away from a flat floor as it discloses a V-shaped box formed from outer ribs having a 135 degree angle to “reduce[] the width of the floor portion” and insure that “everything in the trailer will slide towards and onto the belt.” *Molenaar*, col. 4, ll. 37-52.

With regard to the rejection of claims 7-11 and 18-30 as obvious over *Gaddis* in view of *Hollinrake*, neither reference discloses the claimed floor section extending in a substantially horizontal plane as now recited in claims 7-11 and 18-22. Applicant has also amended independent claims 23 and 27 to call for “a floor extending at least partially in a substantially horizontal plane.” As explained above, the cited references instead disclose that at least the

